



Office of the Attorney General
State of Texas

February 24, 1998

DAN MORALES
ATTORNEY GENERAL

Ms. Lisa L. Maillet
Assistant County and District Attorney
Ellis County Courthouse
Waxahachie, Texas 75165-3759

OR98-0525

Dear Ms. Maillet:

You ask this office to reconsider our ruling in Open Records Letter No. 98-0010 (1998). Your request for reconsideration was assigned ID# 113920.

Ellis County (the "county") has received two requests for all information concerning the death of Mr. Ramiro Salgado. In Open Records Letter No. 98-0010 (1998), this office concluded that because the county failed to timely request a ruling from this office, that you could not withhold the requested information under section 552.108 of the Government Code. We also concluded, however, that section 552.101 of the Government Code required the county to withhold portions of the information. In your request for reconsideration you state that the first request was received by facsimile transmission and did not contain a return address or telephone number for the requestor. You ask whether "a request for public information [is] proper when it does not include any reasonable means of corresponding with the requestor." You also ask whether such a request triggers the ten-day time frame for requesting a ruling from our office. You state that the county did not locate a mailing address for the first requestor until October 7, 1997, the date you requested a ruling from our office.

We believe that in this instance, the request for records did include a reasonable means of corresponding with the requestor. We have examined a copy of the request which clearly states that the fax was sent from the Consulado General de Mexico in Dallas, and it contains a return fax number. We believe that this is sufficient information for the county to have acted within the statutory deadlines required by the act. *See* § 552.301 (written request includes faxes). Thus, the ten-day deadline in which to request a ruling from the attorney general was triggered by the fax received on September 17, 1997. As you failed to timely request a ruling on the first request, and we do not address your section 552.108 arguments, we will not consider the same or similar arguments for subsequent requests for the same information. We, therefore, affirm Open Records Letter No. 98-0010 (1998).

If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink that reads "Loretta DeHay". The signature is written in a cursive, flowing style.

Loretta R. DeHay
Deputy Chief
Open Records Division

LRD/rho

Ref.: ID# 113920

Enclosures: Submitted documents

cc: Mr. Dave Michaels
Reporter, The Dallas Morning News
Communications Center
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(w/o enclosures)

The Consul General of Mexico
The Honorable Ramón Xilotl
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